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Message Text

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ACTION NEA-11

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
/065 W
----------034717 060951Z /11
R 051241Z MAY 78
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 1429
INFO AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMEMBASSY COLOMBO
AMEMBASSY DACA
AMEMBASSY ISLAMABAD
AMEMBASSY KATHMANDU
AMCONSUL MADRAS
CINCPAC

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CINCPAC FOR POALD

E.O. 11652: N/A
TAGS: PINT, IN
SUBJECT: SANJAY GANDHI TO GO TO JAIL

REF: NW DELHI 2939 (NOTAL), NEW DELHI A-66

1. THE SUPREME COURT ON MAY 5 ORDERED THE CANCELLATION FOR ONE MONTH OF THE ANTICIPATORY BAIL EARLIER GRANTED TO SANJAY GANDHI IN CONNECTION WITH THE "KISSA KURSI KA" CASE AND ORDERED THAT HE BE TAKEN INTO CUSTODY. IN ITS RULING, THE SUPREME COURT ACCEPTED THE APPEAL BY THE DELHI ADMINISTRATION THAT SANJAY BE DETAINED ON THE GROUNDS THAT HE WAS TAMPERING WITH PROSECUTION WITNESSES IN THE CASE. THE ORDER IS EFFECTIVE AS OF TODAY AND
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SANJAY IS EXPECTED TO BE TAKEN INTO CUSTODY LATER IN THE DAY. THE COURT LIMITED THE CANCELLATION OF BAIL TO JUST ONE MONTH, DECLARING THAT ALL IMPORTANT WITNESSES COULD BE EXAMINED IN THE TRIAL COURT BY THAT TIME.

2. THE SUPREME COURT VERDICT WAS DELIVERED BY THE

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CHIEF JUSTICE WHO, ALONG WITH TWO OTHER JUDGES, HAD HEARD THE PROSECUTION'S APPEAL. THE PROSECUTION HAD

APPEALED TO THE SUPREME COURT AFTER THE DELHI HIGH COURT LAST MONTH DISMISSED THE APPEAL. THE PROSECUTION, WHICHIS BEING LED BY JANATA MP AND PROMINENT LAWYER RAM JETHMALANI, CITED FIVE INSTANCES IN WHICH SANJAY HAD "ABUSED HIS LIBERTY" BY ATTEMPTING TO "SUBORN THE PROSECUTION WITNESSES."

3. AS REPORTED IN REFTEL AND REFAIR, SANJAY GANDHI AND FORMER INFORMATION MINISTER V. SHUKLA ARE STANDING TRIAL IN THE DELHI SESSIONS COURT ON CHARGES OF HAVING CONSPIRED TO SEOZE AND DESTROY THE ORIGINAL AND ALL PRINTS OF "KISSA KURSI KA", A SATIRICAL HINDI MOTION PICTURE CRITICAL OF MRS. GANDHI'S REGIME. SEVERAL OF THE PROSECUTION WITNESSES HAVE RENCETLY TURNED "HOSTILE" (I.E., UNCOOPRATIVE) AND HAVE ALLEGED THAT THEY WERE COERCED BY CBI AND POLICE OFFICIALS INTO TESTIFYING AGAINST SANJAY AND SHUKLA DURING THE INTIAL HEARINGS OF THE CASE BEFORE THE DELHI DISTRICT MAGISTRATE. THE PROSECUTION, IN ITS APPEAL TO THE SUPREME COURT, ALLEGED THAT THESE WITNESSES CHANGED THEIR
TUNES
DUE TO TAMPERING BY SANJAY AND HIS FOLLOWERS. (NOTE: WE HAVE HEARD FROM SOME SOURCES THAT AS MUCH AS
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RS 50,000 APIECE WAS PAID TO THESE WITNESSES TO CONVINCE THEM TO TURN HOSTILE. END OTE)

4. AS FAR AS WE CAN DETERMINE AT PRESENT, SANJAY HAS NO FURTHER RECOURSE TO APPEAL THE SUPREME COURT'S VERDICT. A BRITISH DIPLOMAT WHO WAS PRESENT AT THE SUPREME COURT THIS MORNING DESCRIBED SANJAY AS BEING "LESS COCKY" THAN ON EARLIER OCCASIONS. THE COURT VERDICT IS CERTAIN TO BE CONDEMNED IN SOME CIRCLES AS AN ACTOF POLITICAL VINDICTIVENESS BY THE JANATA GOVERNMENT, BUT WE DOUBT THAT SANJAY'S DETENTION WILL AROUSE MUCH POPULAR PASSION. CERTAINLY, THE EVIDENCE AT HAND SUGGESTS THAT EVEN MANY OF MRS. GANDHI'S STAL-WARTS IN THE CONGRESS (I) HAVE NO LOVE LOST FOR HER YOUNGER SON.
GOHEEN

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